



Michael J. Finney
finney@gentrylocke.com
P: 540.983.9373
F: 540.983.9400

January 7, 2025

Via ECF Only

Hon. Norman K. Moon
U.S. District Court, Western District of Virginia
1101 Court Street, Room 390
Lynchburg, VA 24504

Re: *William K. Respass, et al. v. VMI Alumni Association*
Civil Action No.: 6:24-CV-28

Dear Judge Moon:

We write to update the Court on a related Virginia state court matter.

In the Amended Complaint, Plaintiffs alleged that VMI Alumni Association (“VMIAA”) did not allow “active members of the VMIAA, including some of your plaintiffs,” to inspect and copy records of VMIAA members pursuant to the Virginia Nonstock Corporation Act (the “Act”). Dkt. No. 4, Am. Compl., ¶ 70; *see also id.*, ¶¶ 65-71 (“Refusal to Provide the Record of Members by the VMIAA”). Specifically, Plaintiffs objected that “VMIAA continues to refuse to provide the email addresses of the members.” *Id.*, ¶ 70; *see also id.*, ¶ 71.

Prior the Amended Complaint’s filing, however, three Plaintiffs (and a fourth individual) had filed and lost a lawsuit in the Circuit Court for the County of Rockbridge seeking those same member records/email addresses under the Act. Dkt. Nos. 16-8 and 16-9; *see also* Dkt. No. 16, Motion to Dismiss Brief, at 16.

On June 25, 2024, the Court of Appeals of Virginia affirmed the Rockbridge County Circuit Court in a published decision, holding that “a member’s statutory right to inspect a nonstock corporation’s record of members under Code §§ 13.1-845 and -933(b)(3) does not include the right to inspect and copy member email addresses.” *Respass et al. v. VMI Alumni Association*, 902 S.E.2d 105, 116 (Ct. App. 2024).

The plaintiffs/appellants then filed a Petition for Appeal, which the Supreme Court of Virginia refused on December 16, 2024. *Respass, et al. v. VMI Alumni Association*, Record No. 240712 (attached). As no Petition for Rehearing was filed within the 14 days provided by Rule 5:20(b)(1) of the Rules of the Supreme Court of Virginia, the Court of Appeals decision is now final.

January 7, 2025
Page 2

Thank you; please let us know if you have any questions.

Very truly yours,

GENTRY LOCKE



Michael J. Finney

Enclosure

cc: Counsel of record (by ECF notification)

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 16th day of December, 2024.

WILLIAM L. RESPESS, ET AL.,

APPELLANTS,

against Record No. 240712
Court of Appeals No. 1290-23-3

VMI ALUMNI ASSOCIATION,

APPELLEE.

FROM THE COURT OF APPEALS OF VIRGINIA

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Melinayman

Deputy Clerk